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October 23, 2020

VIA ECF

MEMORANDUM ENDORSED

Honorable Gregory H. Woods
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Yeremis v. Amerit Fleet Solutions, et al.*
Case No. 1:20-cv-05086-GHW

Defendant Amerit Fleet Solutions Inc.'s Request for Extension of Time to Respond to the Complaint

Dear Judge Woods:

We represent Defendant Amerit Fleet Solutions Inc. (sued as Amerit Fleet Solutions) (“AFS”) in the above-referenced action. My colleagues, Heather M. Sager and Brittany A. Sachs, will be moving for orders for admission to practice Pro Hac Vice to appear as counsel for AFS.

On October 21, 2020, we filed a letter motion to Judge Nathan for an extension of time to file a response to the Complaint until November 20, 2020 (Doc. No. 14). On October 22, 2020 this case was accepted as related to another matter before you (Case no.: 1:20-cv-04723-GHW) and reassigned to you. Due to the reassignment, we do not believe Judge Nathan had an opportunity to rule on our request for an extension.

Accordingly, pursuant to Rule 1(E) of the Court’s Individual Rules of Practice in Civil Cases, AFS resubmits its request for a brief extension of time to respond to the Complaint. This is the first request AFS has made for an extension of time in this matter.

We respectfully request the extension for the following reasons. Based on information and belief, our client recently learned about service on its agent for service of process. Notwithstanding, AFS respectfully reserves its right to dispute proper service in this matter. In connection with our retention, and to provide our office the opportunity to investigate the

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allegations, we request an extension of time to respond to the Complaint until November 20, 2020 (including by a request for a pre-motion conference). Further, based on a hearing that took place on October 22, 2020 in Case no.: 1-20-cv-04723, it is our understanding that Plaintiff may choose to amend or modify the complaint, which could impact this lawsuit. Finally, Plaintiff executed a Mutual Agreement to Arbitrate Claims in connection with his employment with AFS and we presently intend to file a request for a pre-motion conference in anticipation of a motion to compel arbitration and to dismiss Plaintiff's lawsuit pursuant to Section 4 of the Federal Arbitration Act and Federal Rule of Civil Procedure 12(b)(1). If this request is not granted, AFS respectfully reserves the right to request a pre-motion conference for a motion to dismiss on other grounds as well. It is our understanding that Plaintiff does not oppose granting this request for an extension.

Thank you for your consideration.

Very truly yours,

/s/ Dennis Hopkins
Dennis Hopkins

cc: All Counsel of Record (via ECF) [Not all counsel has yet appeared.]

Application granted. The deadline for Defendant Amerit Fleet Solutions to answer or otherwise respond to the Complaint is extended to November 20, 2020. The Clerk of Court is directed to terminate the motions pending at Dkt. Nos. 14 and 16.
SO ORDERED.

Dated: October 24, 2020



GREGORY H. WOODS
United States District Judge